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ATTORNEY AT LAW

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(TELE.) 902.947.2008

January 28, 2008

**PERSONAL AND CONFIDENTIAL**

Britney Spears  
12094 Summit Circle  
Beverly Hills, CA 90210

**BY FEDEX**

Dear Britney:

I had not been paying much attention to your case, until the LAPD and your ex-husband's lawyer conspired to have you falsely arrested and thrown into a 72 hour involuntary lock-down detention at Cedars. You may not be aware of the fact that your civil rights were violated pursuant to 42 U.S.C. § 1983 et al., as a result of these actions and the significant implications of those actions with respect to your custody case. In a way, what happened to you may be a blessing in disguise with respect to delivering a knock out punch to your ex-husband's legal team (i.e. Kaplan) and winning your custody case immediately and unconditionally.

I have developed a legal strategy for you that I am confident will turn everything around, and ultimately garner you full custody of your children within approximately 30 to 60 days. I am a father of two girls, ages 3 and a half and one and can only imagine the heartbreak you are going through. These orders that Scott Gordon has handed down are media driven, and designed to facilitate their economic motivations in denying you even the most basic custody rights, particularly at a time when toddler boys and girls need to develop a strong and consistent bond with their mother. After having practiced law for years in Los Angeles, I find myself, at many times sickened by the corruption of the downtown court system. However, your case is the worst I have ever seen because they are unabated in the

EXHIBIT A

10-1-2008

*(Faint handwritten notes at the bottom of the page)*

Think about this for a second: in the last few days, you have been followed everywhere, nearly run off the road, and otherwise interfered with by tabloid journalists. Yesterday, I saw a recent report that questions whether you can be safe just driving to a store. Do you think Commissioner Gordon is going to be inclined to return the boys to you under these circumstances, even if all of the scurrilous tabloid coverage were wiped clean from the slate and particularly when you know other things are being

communicated behind the scenes? Not unless you have a legal strategy in place that aggressively confronts the due process, equal protection, fair trial, and other Constitutional violations that predominate in your case. The first step is in disqualifying Kaplan from further representation of your ex-husband. I need to discuss in detail with you the events surrounding the raid on your house.

Please believe me when I tell you that a conventional approach in the family law court, through the conventional emissaries of "star" family law lawyers, will not work. Your case will continue to spiral until they have denied you your freedom, your children and your assets. By then, it will be too late. (Sorrell is an excellent attorney; however, your current posture in the case is primarily defensive. You need an immediate offensive strategy to pound your ex-husband's lawyer into the ground and bring this circus to an end. My proposal is that we integrate innovative legal arguments into the matrix of your custody case to supplement and back up standard Family Law Code litigation that involves child custody issues, providing you with significantly more control over the situation. There is also the nuclear option: the filing of a lawsuit, the specifics of which I will discuss with you privately.)

I have some of the largest class-action cases in the nation pending in the downtown courts against some of the largest corporations in the world. I have affiliate offices in New York and Washington, D.C. None of the "standard" family law lawyers in this country will be able to obtain for you what you need more than anything: a devastating offensive strike against the court system, and your ex-husband's lawyers, all of whom are using you to promote their personal financial and other agendas. I will help you any way I can.

I will explain to you what needs to be done and why it will have the intended results. I will also help you completely overcome any anxieties about testifying in court or showing up at court. I am willing to take you to court and see to it that you get into the courtroom and are able to speak without any anxiety.

All I want is to see you win. I do not want anything in return and am willing to volunteer my time with you to see to it that you are successful in this custody case. I am not interested in publicity, money, or anything other than seeing you obtain full custody of your children.

Please recognize that aside from some anxiety and depression, which are totally normal under these circumstances, there is nothing wrong with you, but that the court system routinely engages in character assassination to conceal its internal bias and to break you down. You are a strong and beautiful woman who has been working all your life, and I know you can do this. They are all intensely jealous of you. It is my opinion that Kaplan and your ex-husband had this raid on your house planned well in advance, and had been waiting for an opportunity to spring it on you. What they ultimately want is to get you into a conservatorship; at that point, your freedom will be denied, giving them the full opportunity to steal all of your money and to deny you any access to your children. (This is why they keep pushing the mental illness, multiple personality issue.) You definitely do not want this to happen.

The court's order requiring you to submit to an Evidence Code § 730 evaluation can be satisfied by an out-patient evaluation pursuant to Evidence Code § 733. Evidence Code § 733 clearly states:

*"Nothing contained in this article shall be deemed or construed to prevent any party to any action from producing other expert evidence on the same fact or matter mentioned in Section 730; but, where other expert witnesses are called by a party to the action, their fees shall be paid by the party calling them and only ordinary witness fees shall be taxed as costs in the action."*

You have a right to provide your own private evaluation in lieu of submitting to a § 730 examination. Before now and the next scheduled hearing in February, it is my opinion that you should map out an evaluation plan that is consistent with § 733. As soon as you have this in place, an *ex parte* motion for reconsideration could be heard before the Commissioner. There are two advantages to this: 1) it demonstrates to the court that you are complying with the Evidence Code; and 2) it allows the court to see you. The Commissioner "noted" your absence from the last hearing. Most importantly, however, it allows you to establish a record in the event he denies your request. With a record of the proceedings, a ruling not in your favor could be reviewed by the Second District Court of Appeal through a petition for a writ of mandate. This would also provide you with the opportunity to raise other important issues. In practical effect, it would also help in your being afforded a degree of fairness at the next scheduled

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hearing in February, particularly if the Commissioner knows that you intend to seek appellate relief as to every unfavorable order he issues from this point forward.

Between now and your next scheduled custody case hearing in February, there are some vitally important things that need to be done as soon as possible. There are many things I would like to discuss with you, including a strategy to disqualify Gordon from your case. Time is very much of the essence in your case.

I am in LA right now. Everything we discuss will be absolutely confidential. Call me as soon as you read this, anytime, night or day. My number is 562-947-2006; my cell is 562-298-8385. If I do not pick up, leave a number where you can be reached. My personal email is [jjeardley@aol.com](mailto:jjeardley@aol.com).

I look forward to hearing from you.

Sincerely,



Jon Eardley, Esq.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

LA County Superior Court Case No.: BP108870

JS-6

**CIVIL MINUTES - GENERAL**

**\*\*CORRECTED\*\***

Case No. CV 08-1021 PSG (RCx) Date Feb. 26, 2008

Title In re the Conservatorship of the Person and Estate of Britney Jean Spears

Present: The Honorable Philip S. Gutierrez, United States District Judge

<u>Wendy K. Hernandez</u>	<u>Not Present</u>	<u>n/a</u>
<u>Deputy Clerk</u>	<u>Court Reporter</u>	<u>Tape No.</u>

Attorneys Present for Plaintiff(s):  
Not Present

Attorneys Present for Defendant(s):  
Not Present

Proceedings: **(In Chambers) Corrected Order on the Conservator's Motion to Remand**

Before this Court is the Conservator's Motion to Remand. The Court finds this motion appropriate for decision without oral argument. Fed. R. Civ. P. 78; Local R. 7-15.

**I. BACKGROUND**

On February 14, 2008, attorney Jon J. Eardley ("Mr. Eardley") filed a notice of removal for the conservatorship proceedings of Britney Jean Spears ("Ms. Spears") from Los Angeles Superior Court ("Probate Court") to this federal district court. Mr. Eardley claims authority to act on behalf of Ms. Spears despite the Probate Court's orders to the contrary. On February 1, 2008, the Probate Court appointed Samuel D. Ingham III ("Mr. Ingham") as Ms. Spear's attorney. Also on that date, the Probate Court appointed Mr. Spears (Ms. Spears' father) as temporary conservator of Ms. Spears' person and estate. On February 4, 2008, the Probate Court extended the conservatorship over Ms. Spears until February 14, 2008 making the explicit finding that "Ms. Spears does not have the capacity to retain counsel." Then on February 14, 2008, the Probate Court again extended the conservatorship until March 10, 2008. At no time during the conservatorship did the Probate Court find that Ms. Spears had the capacity to retain counsel.

On February 19, 2008, this Court issued an Order to Show Cause to the removing party ordering the party to explain why this action should not be remanded due to the Court's lack of subject matter jurisdiction. Also on that date, Mr. Spears filed the current motion, in which Mr. Ingham joined, to remand the case to the Probate Court. Mr. Spears also requested an award of attorney's fees and sanctions against the removing attorney.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES - GENERAL

**\*\*CORRECTED\*\***

Case No. CV 08-1021 PSG (RCx) Date Feb. 26, 2008  
Title In re the Conservatorship of the Person and Estate of Britney Jean Spears

For the following reasons, this Court grants Mr. Spear's motion to remand. Also, the Court declines to award attorney's fees.

II. LEGAL STANDARD

While 28 U.S.C. § 1441 provides that some actions filed in state court may be removed to federal district court, "[t]he removal statute is strictly construed against removal jurisdiction, and the burden of establishing federal jurisdiction falls to the party invoking the statute." *California ex rel. Lockyer v. Dynegy, Inc.*, 375 F.3d 831, 838 (9th Cir. 2004), *amended*, 387 F.3d 966 (9th Cir. 2004), *cert. denied*, 544 U.S. 974 (2005) (citation omitted). The Ninth Circuit applies a "strong presumption" against removal jurisdiction." *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992) (citation omitted). Furthermore, "[f]ederal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance." *Id.* (citation omitted).

III. DISCUSSION

A. Mr. Eardley's Standing to Remove the State Court Case

The conservator and Ms. Spears' court-appointed attorney make a simple argument for remand: Mr. Eardley is not Ms. Spears' attorney and acted improperly by removing her conservatorship proceeding to federal court. While Mr. Eardley argues that this Court has subject matter jurisdiction over the case because Ms. Spears' due process rights were violated in the conservatorship proceeding, Mr. Eardley fails to explain why he can bring this claim for her in the first instance. He cannot.

The federal removal statute clearly allows only a defendant to remove a case to federal court. Section 1441(a) states that, under the proper circumstances, "any civil action brought in a State court ... may be removed by the defendant or the defendants." 28 U.S.C. § 1441(a). Several courts have considered the issue and have been uniform in determining that non-parties do not have a right to remove cases to federal court. *See, e.g., Newman and Cahn, LLP v. Sharp*, 388 F. Supp. 2d 115, 117 (E.D.N.Y. 2005) (Both a non-party and an individual claiming to be a real party in interest have "no authority to seek removal."); *Geiger v. Arctco Enterprises, Inc.*, 910 F. Supp. 130, 131 (S.D.N.Y. 1996) ("It is clear beyond peradventure of a doubt that the right of removal is vested exclusively in defendants."); *Kane v. Republica De Cuba*, 211 F. Supp. 855, 856-58 (D.P.R. 1962) (a non-party who has not formally intervened may not remove a case from state court).

2008-02-26

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES - GENERAL  
\*\*CORRECTED\*\*

Case No. CV 08-1021 PSG (RCx) Date Feb. 26, 2008  
Title In re the Conservatorship of the Person and Estate of Britney Jean Spears

Here, Mr. Eardley had no authority to remove the case from state court. He is neither a defendant nor a party. While he claims to be Ms. Spears' attorney, the Probate Court appointed Mr. Ingham as her attorney and found that she was incapable of retaining her own counsel. Mr. Eardley did not challenge the Probate Court's appointment of Mr. Ingham and has not attempted to intervene in the conservatorship proceeding on her behalf. Instead, Mr. Eardley caused the case to be removed to federal court while clearly lacking the authority to do so.

B. Attorney's Fees Award

The Court finds that it is inappropriate to award attorney's fees in this case.

IV. CONCLUSION

For the foregoing reasons, the Court REMANDS this case to the Probate Court.